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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,916	07/14/2003	Damien Kessler	SNY-N3783.01	7970

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MILLER PATENT SERVICES  
2500 DOCKERY LANE  
RALEIGH, NC 27606

EXAMINER
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LIN, JASON K

ART UNIT	PAPER NUMBER
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2623

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08/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/618,916

Applicant(s)

KESSLER ET AL.

Examiner

JASON K. LIN

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/618,916 filed on 06/05/2008.

**Claims 6-7 and 11-13** are cancelled and **Claims 1-5, 8-10, and 14** are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/05/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to **Claims 1-5, 8-10, and 14** have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground(s) of rejection has been made, the examiner feels that some of applicant's arguments need to be addressed.

With respect to applicant's assertion on P.6: lines 10-17 that "While the art may store information from which it can be determined whether or not a channel is PSIP compliant, the undersigned finds no teaching of storing an explicit entry in one of three tables as explicitly defined in the claims that designates a channel as PSIP complaint. With the explicit specifying of the three separate tables and their explicit structures, including an attribute which is essentially a yes/no or equivalent callout of whether or

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not a major channel is PSIP complaint...”, the examiner respectfully disagrees. The claims call for storing an explicit entry designating a channel as PSIP compliant channel. The examiner acknowledges the point that the applicant is making, however, the claims do not explicitly specify what the attribute may be, just so long as it designates whether a channel is PSIP complaint or not. However, in Col 6: lines 53 – Col 7: line 7 Klopfenstein teaches updating the internal database to associate a particular received channel as a PSIP type, analog type, MPEG PSI type, no associated type. *The channel type attributes listed as PSIP, analog, MPEG PSI, or no associated type is an explicit attribute that designates whether or not that channel is PSIP compliant or not. So if a channel is listed as a PSIP type, it is a PSIP compliant channel, if it is listed as another type besides PSIP, it is not a PSIP compliant channel.* This interpretation is within the broadest reasonable interpretation of the claimed limitations. Applicant’s points are duly noted, but as is an attribute “essentially a yes/no or equivalent callout...” is not specifically claimed. Therefore, the cited references of record meet the claimed limitations.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 1-4, 6, 8-11 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein (US 7,024,676), in view of Wasilewski (US 5,600,378), and further in view of Jerding et al. (US 6,792,616).

Consider **claim 1**, Klopfenstein teaches a method for storing channel information in a digital television receiver (Abstract, Figs.3&4), comprising:

tuning to a selected physical channel (205-Fig.3; Col 6: lines 50-53);

reading program specific information on the selected physical channel (210-Fig.3; Col 6: lines 53-56);

determining whether the physical channel is PSIP compliant (21-Fig. 3; Col. 6 Lines 56-59);

storing in a lookup table an attribute explicitly designating as a table entry that a major channel associated with the physical channel is or is not a PSIP compliant channel (Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7 teaches updating the internal database to associate a particular received channel as a PSIP type, analog type, MPEG PSI type, no associated type. *The channel type attributes listed as PSIP, analog, MPEG PSI, or no associated type is an explicit attribute that designates whether or not that channel is PSIP compliant or not. So if a channel is listed as a PSIP type, it is a PSIP compliant channel, if it is listed as another type besides PSIP, it is not a PSIP compliant channel*);

if the selected physical channel is a PSIP compliant channel (Col 9: lines 48-50):

storing a major channel corresponding to the selected physical channel as entries in a lookup table (Col 10: lines 19-33, Col 8: lines 44-47).

storing program specific information from a physical channel containing: network information, network identification information and linking data, which is used to enable tuning to a desired channel (Col 4: lines 38-49);

Klopfenstein does not explicitly teach storing a TSID corresponding to the selected physical channel as entries in a lookup table;

In an analogous art Wasilewski teaches, storing a network information table which specifies the correspondence between TSIDs and physical channels as entries in a lookup table (NIT36-Fig.2; Col 4 line 65 - Col 5: line 3);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Klopfenstein's system to include storing a TSID corresponding to the selected physical channel as entries in a lookup table, as taught by Wasilewski, for the advantage of facilitating the tuning of a physical channel corresponding to that of a virtual channel referenced by a particular TSID (Wasilewski - Col 7: lines 45-49).

Klopfenstein and Wasilewski do not explicitly teach storing entries in separate first, second, and third lookup tables.

In an analogous art Jerding teaches, storing entries in separate first, second, and third lookup tables (Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Klopfenstein and Wasilewski to include storing entries in separate first, second, and third lookup tables, as taught by Jerding, for the advantage of allowing information to be organized in a simpler manner, providing clearer distinctions between different tables, allowing for different specific information to be found quicker and more efficiently.

Consider **claim 8**, Klopfenstein teaches a method of autoprogramming channel information in a digital television receiver, comprising for each of a plurality of N physical channels (Abstract, Figs.3):

tuning to a selected physical channel (205-Fig.3; Col 6: lines 50-53);

reading program specific information on the selected physical channel (210-Fig.3; Col 6: lines 53-56);

determining whether the physical channel is PSIP compliant (21-Fig. 3; Col. 6 Lines 56-59);

storing in a lookup table an attribute explicitly designating as a table entry that a major channel associated with the physical channel is or is not a PSIP compliant channel (Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7 teaches updating the internal database to associate a particular received channel as a PSIP type, analog type, MPEG PSI type, no associated type. *The channel type attributes listed as PSIP, analog, MPEG PSI, or no associated type is an explicit attribute that designates whether or not that*

*channel is PSIP compliant or not. So if a channel is listed as a PSIP type, it is a PSIP compliant channel, if it is listed as another type besides PSIP, it is not a PSIP compliant channel);*

if the selected physical channel is a PSIP compliant channel (Col 9: lines 48-50):

storing a major channel corresponding to the selected physical channel as entries in a lookup table (Col 10: lines 19-33, Col 8: lines 44-47).

storing program specific information from a physical channel containing: network information, network identification information and linking data, which is used to enable tuning to a desired channel (Col 4: lines 38-49);

Klopfenstein does not explicitly teach storing a TSID corresponding to the selected physical channel as entries in a lookup table;

In an analogous art Wasilewski teaches, storing a network information table which specifies the correspondence between TSIDs and physical channels as entries in a lookup table (NIT36-Fig.2; Col 4 line 65 - Col 5: line 3);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Klopfenstein's system to include storing a TSID corresponding to the selected physical channel as entries in a lookup table, as taught by Wasilewski, for the advantage of facilitating the tuning of a physical channel corresponding to that of a virtual channel referenced by a particular TSID (Wasilewski - Col 7: lines 45-49).



Klopfenstein and Wasilewski do not explicitly teach storing entries in separate first, second, and third lookup tables.

In an analogous art Jerding teaches, storing entries in separate first, second, and third lookup tables (Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Klopfenstein and Wasilewski to include storing entries in separate first, second, and third lookup tables, as taught by Jerding, for the advantage of allowing information to be organized in a simpler manner, providing clearer distinctions between different tables, allowing for different specific information to be found quicker and more efficiently.

Consider **claim 2**, Klopfenstein, Wasilewski, and Jerding teach incrementing the physical channel (Klopfenstein - 205-Fig.3; Col 6: lines 50-53);

tuning to the incremented physical channel (Klopfenstein - 205-Fig.3; Col 6: lines 50-53);

reading program specific information on the incremented physical channel (Klopfenstein - 210-Fig.3; Col 6: lines 53-56);

determining whether the incremented physical channel is PSIP compliant (Klopfenstein - 215-Fig.3; Col 6: lines 56-59);

storing an attribute in the first lookup table designating whether the incremented physical channel is a PSIP complaint channel (Klopfenstein - Col 5:

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lines 3-7 and 26-29, 215&220-Fig.3, Col 6: lines 56-60; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables);

if the incremented physical channel is a compliant PSIP channel  
(Klopfenstein - Col. 9 lines 48-50):

storing a TSID corresponding to the incremented physical channel as entries in the second lookup table (Klopfenstein - Col 4: lines 38-49 teaches storing program specific information from a physical channel containing: network information, network identification information and linking data, which is used to enable tuning to a desired channel; Wasilewski - NIT36-Fig.2; Col 4 line 65 - Col 5: line 3; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables); and

storing a major channel corresponding to the incremented physical channel as entries in the third lookup table (Klopfenstein - Col 10 lines 9-33, Col 8 lines 44-47; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables).

Regarding **claim 9**, the limitations are addressed in the rejection of **claims 1 and 2** above.

Consider **claims 3 and 10**, Klopfenstein, Wasilewski, and Jerding teach after the incrementing, determining if selected physical channel is a last physical channel, and if so, then stopping (Klopfenstein - 207-Fig.3; Col 7: lines 10-14).

Consider **claim 4**, Klopfenstein, Wasilewski, and Jerding teach the method of claim 3, carried out as an automatic channel programming process in a digital television receiver (Klopfenstein – Col 7: lines 7-14).

Consider **claims 5 and 14**, Klopfenstein, Wasilewski, and Jerding teach wherein the three lookup tables are stored in a non-volatile memory device (Klopfenstein - Col 5: lines 3-7, 26-29; 215-Fig.3, 220-Fig.3; Col 6: lines 53 – Col 7: line 7; Col 10: lines 19-33, Col 8: lines 44-47; Col 4: lines 38-49; Wasilewski - NIT36-Fig.2; Col 4 line 65 - Col 5: line 3; Jerding - Col 5: lines 48-67, Col 6: lines 42-65, and Col 11: lines 39-57 teaches storing entries in multiple lookup tables; Col 3: lines 33-367 teaches the information is stored in nonvolatile memory).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

08/17/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623